

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Edward Ross Bergren,

Civ. No. 10-2534 (PAM/JJG)

Petitioner,

v.

ORDER

State of Minnesota Department
of Corrections, and Joan Fabian,

Respondents.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeanne J. Graham dated February 18, 2011. In the R&R, the Magistrate Judge recommended that the Court deny the Petition for a Writ of Habeas Corpus because the claims raised therein are procedurally defaulted. Petitioner has failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 21).

Having failed to object to the R&R, Petitioner is not entitled to a certificate of appealability. See Fed. R. Governing § 2254 Cases in the U.S. District Courts 11(a) (requiring district court to issue or deny certificate of appealability when it enters final order adverse to petitioner).

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas Corpus (Docket No. 1) is **DENIED**;
2. The Court will not issue a Certificate of Appealability in this matter; and
3. This action is **DISMISSED with prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Thursday, March 10, 2011

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge